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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,957	07/12/2001	Seiji Shibahara	M2159-4	9409
7278	7590	11/16/2005	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			LASTRA, DANIEL	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,957

Applicant(s)

SHIBAHARA, SEIJI

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09/19/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-20 have been examined. Application 09/903,957 (POINT MANAGING METHOD) has a filing date 07/12/2001 and foreign priority 07/13/2000.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 and 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in whether the invention produces a useful, concrete, and tangible result. In the present application, claims 1-15 do not recite a "useful, concrete and tangible result". The claims are storing data in point storing means without any practical application to said data.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 recites "point storing means differentiating points earned". A point storing means which is a memory or database cannot differentiate points earned.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Ikeda (US 5,937,391).

As per claims 1 and 15, Ikeda teaches:

A point managing method, using a computer for managing points, said points being provided to consumers by each service offerer when the consumers use services offered by each service offerer, the points are exchangeable for a fixed value, comprising the steps of:

storing the number of accumulated points of each service offerer in a point storing means for each consumer (see figure 8; "customer name"); and

displaying the number of the accumulated points of a consumer for each service offerer as a list, which is stored in the point storing means (see figure 8).

As per claims 2 and 16, Ikeda teaches:

The point managing method according to claim 1 further comprising the step of:

displaying an exchanging point input page on which the consumer can select service offerers whose points are to be exchanged for the value (see figure 13).

As per claims 3 and 17, Ikeda teaches:

The point managing method according to claim 2 further comprising:

the steps of after service offerers whose points are to be exchanged are selected (see figure 8), summing up the accumulated points of each selected service offerer for the consumer under an appointed rate and in accordance with the summed points (see figure 7 “points issue ratio, points redeeming ratio”),

exchanging points for value (see figure 13); and

subtracting points of each selected service offerers, for the consumer, which were used for exchanging for the value, from the point storing means (see figure 14 item S33).

As per claims 4 and 18, Ikeda teaches:

The point managing method according to Claim 1, wherein the consumers optionally select a part of points provided by each service offerer when the consumers select service offerers whose points are to be exchanged for the value (see figure 13).

As per claims 5 and 19, Ikeda teaches:

The point managing method according to Claim 2, wherein the consumers optionally select a part of points provided by each service offerer when the consumers select service offerers whose points are to be exchanged for the value (see figures 13-14).

As per claims 6 and 20, Ikeda teaches:

The point managing method according to Claim 3, wherein the consumers optionally select a part of points provided by each service offerer when the consumers select service offerers whose points are to be exchanged for the value (see figure 14).

As per claim 7, Ikeda teaches:

A method for managing points earned by a consumer by using services offered by at least one service offerer, comprising:

storing points earned by said consumer in a point storing means (see figure 8);

said point storing means differentiating points earned by said consumer from each of said at least one service offerer, whereby, upon redemption, each of said at least one service offerer may accept only points earned by said consumer by using only their own service, or optionally, may accept combined points earned by said consumer from their own service and from said another service offerer (see figures 14-15 "item S41).

As per claim 8, Ikeda teaches:

The method for managing points according to claim 7, further comprising:

displaying the number of the accumulated points of said consumer for each of said at least one service offerer as a list, said list being stored in said point storing means (see figure 8).

As per claim 9, Ikeda teaches:

The method for managing points according to claim 8, further comprising:

displaying an exchanging point input page on which said consumer selects from said at least one service offerer whose points are to be exchanged for a value (see figures 13-14).

As per claim 10, Ikeda teaches:

The method for managing points according to claim 9, further comprising:

after said at least one service offerer whose points are to be exchanged is selected, summing up the accumulated points of each selected service offerer for said consumer under an appointed rate, and, in accordance with the summed points, exchanging points for said value (see figure 14); and

subtracting points of each selected service offerer, for said consumer, which were used for exchanging for the value, from the point storing means (see figure 14, item S33).

As per claim 11, Ikeda teaches:

The method for managing points according to claim 7, wherein said consumers optionally select a part of points provided by each of said at least one service offerer when said consumers select service offerers whose points are to be exchanged for the value (see figures 13-14).

As per claim 12, Ikeda teaches:

The method for managing points according to claim 8, wherein said consumers optionally select a part of points provided by each of said at least one service offerer when said consumers select service offerers whose points are to be exchanged for the value (see figures 13-14).

As per claim 13, Ikeda teaches:

The method for managing points according to claim 9, wherein said consumers optionally select a part of points provided by each of said at least one service offerer when said consumers select service offerers whose points are to be exchanged for the value (see figures 13-14).

As per claim 14, Ikeda teaches:

The method for managing points according to claim 10, wherein said consumers optionally select a part of points provided by each of said at least one service offerer when said consumers select service offerers whose points are to be exchanged for the value (see figures 13-14).

Conclusion

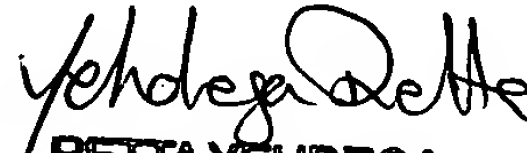
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Lastra

November 7, 2005


RETTA YEHDEGA
PRIMARY EXAMINER